

OFFICIAL GAZETTE

GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

10-4-98/LA

The Finance (Amendment) Act, 1998 (Central Act 16 of 1998), which has been passed by Parliament and assented to by the President of India on 7th July, 1998 and published in the Gazette of India Extraordinary, Part II, Section I, dated 7th July, 1998 is hereby published for general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 10th December, 1998.

THE FINANCE (AMENDMENT) ACT, 1998

AN

ACT

further to amend the Finance Act, 1979 and the Finance (No. 2) Act, 1996.

Be it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Finance (Amendment) Act, 1998.

(2) It shall be deemed to have come into force on the 16th day of September, 1997.

2. *Amendment of Act 21 of 1979.*— In sub-section (1) of section 35 of the Finance Act, 1979 for clause (i), the following clause shall be substituted, namely:—

“(i) for every such journey to any place outside India other than a place in a neighbouring country—

(a) at the rate of seven hundred and fifty rupees on or after the 26th day of September, 1997 but before the 1st day of January, 1998;

(b) at the rate of five hundred rupees on or after the 1st day of January, 1998;”

3. *Amendment of Act 33 of 1996.*— In section 68 of the Finance (No. 2) Act, 1996,—

(a) in sub-section (1), for the words “two per cent.”, the words “five per cent.” shall be substituted;

(b) to sub-section (1) as so amended, the following proviso shall be added, namely:—

‘Provided that in the case of goods falling under heading Nos. 27.09 to 27.15 and heading No. 98.01 of the said First Schedule, the provisions of this sub-section shall have effect as if for the words “five per cent.”, the words “two per cent.” had been substituted.’

4. *Repeal and saving.*— (1) The Finance (Amendment) Ordinance, 1998 is hereby repealed. Ord. 5 of 1998.

(2) Notwithstanding such repeal, anything done or any action taken under the Finance Act, 1979 or the Finance (No. 2) Act, 1996 as amended by 33 of 1996, the Ordinance so repealed, shall be deemed to have been done or taken under the corresponding provisions of the Finance Act, 1979 or, as the case may be, the Finance (No. 2) Act, 1996, as amended by this Act.

Notification

10-4-98/LA

The Lotteries (Regulation) Act, 1998 (Central Act 17 of 1998) which has been passed by Parliament and assented to by the President of India on 7th July, 1998 and published in the Gazette

of India, Extraordinary, Part II, Section I, dated 7th July, 1998 is hereby published for general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 10th December, 1998.

THE LOTTERIES (REGULATION) ACT, 1998

AN

ACT

to regulate the lotteries and to provide for matters connected therewith and incidental thereto.

Be it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*— (1) This Act may be called the Lotteries (Regulation) Act, 1998.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 2nd day of October, 1997.

2. *Definitions.*— In this Act, unless there is anything repugnant in the subject or context,—

(a) “bumper draw of a lottery” means a special draw of lottery conducted on or during any festival or other special occasion wherein the prize money offered is greater than the prize money offered in the case of other ordinary draw of lotteries;

(b) “lottery” means a scheme, in whatever form and by whatever name called, for distribution of prizes by lot or chance to those persons participating in the chances of a prize by purchasing tickets;

(c) “prescribed” means prescribed by rules made under this Act.

3. *Prohibition of lotteries.*— Save as otherwise provided in section 4, no State Government shall organise, conduct or promote any lottery.

4. *Conditions subject to which lotteries may be organised, etc.*— A State Government may organise, conduct or promote a lottery, subject to the following conditions, namely:—

(a), prizes shall not be offered on any pre-announced number or on the basis of a single digit;

(b) the State Government shall print the lottery tickets bearing the imprint and logo of the State in such manner that the authenticity of the lottery ticket is ensured;

(c) the State Government shall sell the tickets either itself or through distributors or selling agents;

(d) the proceeds of the sale of lottery tickets shall be credited into the public account of the State;

(e) the State Government itself shall conduct the draws of all the lotteries;

(f) the prize money unclaimed within such time as may be prescribed by the State Government or not otherwise distributed, shall become the property of that Government;

(g) the place of draw shall be located within the State concerned;

(h) no lottery shall have more than one draw in a week;

(i) the draws of all kinds of lotteries shall be conducted between such period of the day as may be prescribed by the State Government;

(j) the number of bumper draws of a lottery shall not be more than six in a calendar year;

(k) such other conditions as may be prescribed by the Central Government.

5. *Prohibition of sale of ticket in a State.*— A State Government may, within the State, prohibit the sale of tickets of a lottery organised, conducted or promoted by every other State.

6. *Prohibition of organisation, etc., of lottery.*— The Central Government may, by order published in the Official Gazette, prohibit a lottery organised, conducted or promoted in contravention of the provisions of section 4 or where tickets of such lottery are sold in contravention of the provisions of section 5.

7. *Penalty.*— (1) Where a lottery is organised, conducted or promoted after the date on which this Act receives the assent of the President, in contravention of the provisions of this Act, by any Department of the State Government, the Head of the Department shall be punishable with rigorous imprisonment for a term which may extend to two years or with fine or with both:

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the contravention was committed without his knowledge or that he exercised all due diligence to prevent the commission of such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention under this Act has been committed by a Department of Government and it is proved that the contravention has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that contravention and shall be liable to be proceeded against and punished accordingly.

(3) If any person acts as an agent or promoter or trader in any lottery organised, conducted or promoted in contravention of the provisions of this Act or sells, distributes or purchases the ticket of such lottery, he shall be punishable with rigorous imprisonment for a term which may extend to two years or with fine or with both.

8. *Offences to be cognizable and non-bailable.*— The offence under this Act shall be cognizable and non-bailable.

9. *Offences by companies.*— (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,—

(a) company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

10. *Power to give directions.*— The Central Government may give directions to the State Government as to carrying into execution in the State of any of the provisions of this Act or of any rule or order made thereunder.

11. *Power of Central Government to make rules.*— (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

12. *Power of State Government to make rules.*— (1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) time to be fixed for claiming prize money under clause (f) of section 4;

(b) period to be fixed for draws of all lotteries under clause (i) of section 4; and

(c) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

13. *Repeal and saving.*— (1) The Lotteries (Regulation) Ordinance, 1998, is hereby repealed. Ord. 6 of 1998.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

Notification

10-4-98/LA

The High Court and Supreme Court Judges (Conditions of Service), Amendment Act, 1998 (Central Act 18 of 1998) which has been passed by Parliament and assented to by the President of India on 7th July 1998 and published in the Gazette of India, Extraordinary, Part II, Section I, dated 7th July, 1998 is hereby published for general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 10th December, 1998.

THE HIGH COURT AND SUPREME COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1998

AN

ACT

to amend the High Court Judges (Conditions of Service) Act, 1954 and the Supreme Court Judges (Conditions of Service) Act, 1958.

Be it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) This Act may be called the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1998.

(2) It shall be deemed to have come into force on the 1st day of January, 1996.

CHAPTER II

Amendment of the High Court Judges (Conditions of Service) Act, 1954

2. *Amendment of long title.*— In the long title to the High Court Judges (Conditions of Service) Act, 1954 (hereinafter referred to as the High Court Judges Act), for the words “certain conditions of service”, the words “salaries and certain conditions of service” shall be substituted.

3. *Amendment of section 1.*— In section 1 of the High Court Judges Act, for the brackets and words “(Conditions of Service)”, the brackets and words “(Salaries and Conditions of Service)” shall be substituted.

4. *Amendment of Chapter III.*— In Chapter III of the High Court Judges Act,—

(a) for the heading “PENSIONS”, the heading “SALARIES AND PENSIONS” shall be substituted; and

(b) after the heading as so substituted and before section 14, the following section shall be inserted, namely:—

“13A. *Salaries of the Judges.*— (1) There shall be paid to the Chief Justice of a High Court, by way of salary, thirty thousand rupees per mensem.

(2) There shall be paid to a Judge of a High Court, by way of salary, twenty-six thousand rupees per mensem.”.

CHAPTER III

Amendment of the Supreme Court Judges (Conditions of Service) Act, 1958

5. *Amendment of long title.*— In the long title to the Supreme Court Judges (Conditions of Service) Act, 1958 (hereinafter referred to as the Supreme Court Judges Act), for the words “certain conditions of service”, the words “salaries and certain conditions of service” shall be substituted.

6. *Amendment of section 1.*— In section 1 of the Supreme Court Judges Act, for the brackets and words “(Conditions of Service)”, the brackets and words “(Salaries and Conditions of Service)” shall be substituted.

7. *Amendment of Chapter III.*— In Chapter III of the Supreme Court Judges Act,—

(a) for the heading “PENSIONS”, the heading “SALARIES AND PENSIONS” shall be substituted; and

(b) after the heading as so substituted and before section 13, the following section shall be inserted, namely:—

“12A. *Salaries of the Judges.*— (1) There shall be paid to the Chief Justice of India, by way of salary, thirty-three thousand rupees per mensem.

(2) There shall be paid to a Judge of the Supreme Court, by way of salary, thirty thousand rupees per mensem.”.

CHAPTER IV

Transitional Provision

8. *Arrears.*— The difference of salary payable to a Judge of a High Court under the High Court Judges Act or a Judge of the Supreme Court under the Supreme Court Judges Act, as amended by this Act, and salary payable to such Judge but for this Act, shall be paid in two instalments, the first instalment being five thousand rupees plus fifty per cent. of the balance of such difference to be paid as early as may be practicable, and the second instalment to be paid within such period as may be decided by the Central Government.

9. *Repeal and saving.*— (1) The High Court and Supreme Court Judges (Conditions of Service) Ordinance, 1998 is hereby repealed. Ord 11 of 1998.

(2) Notwithstanding such repeal, anything done or any action taken under the High Court Judges Act and the Supreme Court Judges Act, as amended by the said Ordinance shall be deemed to have been done or taken under the High Court Judges Act and the Supreme Court Judges Act, as amended by this Act.

Notification

10-4-98/LA

The Interest on Delayed Payments to Small Scale and Ancillary Industrial Undertakings (Amendment) Act, 1998 (Central Act 23 of 1998) which has been passed by Parliament and assented to by the President of India on 10th August, 1998 and published in the Gazette of India, Extraordinary, Part II, Section I, dated 11th August, 1998, is hereby published for general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 17th December, 1998.

THE INTEREST ON DELAYED PAYMENTS TO
SMALL SCALE AND ANCILLARY INDUSTRIAL
UNDERTAKINGS (AMENDMENT) ACT, 1998

AN

ACT

*to amend the Interest on Delayed Payments to Small
Scale and Ancillary Industrial Undertakings Act, 1993.*

Be it enacted by Parliament in the forty-ninth Year of the
Republic of India as follows:—

1. *Short title.*— This Act may be called the Interest on
Delayed Payments to Small Scale and Ancillary Industrial
Undertakings (Amendment) Act, 1998.

2. *Amendment of section 2.*— In the Interest
on Delayed Payments to Small Scale and Ancillary
Industrial Undertakings Act, 1993 (hereinafter 32 of 1993.
referred to as the principal Act), in section 2, in
clause (f), for the words “or Union territory”, the
following shall be substituted, namely:—

“or Union territory and includes,—

(i) the National Small Industries Corpora-
tion, being a company, registered under the
Companies Act, 1956; 1 of 1956.

(ii) the Small Industries Development
Corporation of a State or a Union territory, by
whatever name called, being a company regis-
tered under the Companies Act, 1956.”. 1 of 1956.

3. *Amendment of section 3.*— In section 3 of the principal
Act, the following proviso shall be inserted, namely:—

“Provided that in no case the period agreed upon between
the supplier and the buyer in writing shall exceed one hundred
and twenty days from the day of acceptance or the day of
deemed acceptance.”.

4. *Substitution of new section for section 4.*— For section
4 of the principal Act, the following section shall be substituted,
namely:—

‘4. *Date from which and rate at which interest is payable.*—
Where any buyer fails to make payment of the amount to the
supplier, as required under section 3, the buyer shall, notwith-
standing anything contained in any agreement between the
buyer and the supplier or in any law for the time being in
force, be liable to pay interest to the supplier on that amount

from the appointed day or, as the case may be, from the date
immediately following the date agreed upon, at one and half
time of Prime Lending Rate charged by the State Bank of India.

Explanation.— For the purposes of this section, “Prime
Lending Rate” means the Prime Lending Rate of the State Bank
of India which is available to the best borrowers of the bank.’.

5. *Amendment of section 6.*— Section 6 of the principal Act
shall be renumbered as sub-section (1) thereof and after sub-
section (1) as so renumbered, the following sub-section shall
be inserted, namely:—

“(2) Notwithstanding anything contained in
sub-section (1), any party to a dispute may make
a reference to the Industry Facilitation Council for
acting as an arbitrator or conciliator in respect of
the matters referred to in that sub-section and the
provisions of the Arbitration and Conciliation
Act, 1996 shall apply to such dispute as if the 26 of 1996.
arbitration or conciliation were pursuant to an
arbitration agreement referred to in sub-section (1)
of section 7 of that Act.”.

6. *Insertion of new sections 7A, 7B and 7C.*— After section
7 of the principal Act, the following sections shall be inserted,
namely:—

“7A. *Establishment of Industry Facilitation Council.*—
The State Government may, by notification in the Official
Gazette, establish one or more Industry Facilitation Councils
at such places exercising such jurisdiction and for such areas,
as may be specified in the notification.

7B. *Composition of Industry Facilitation Council.*— (1)
The Industry Facilitation Council shall consist of one or
more members to be appointed from amongst the following
categories:—

(i) Director of Industries by whatever name called or
any other officer not below the rank of such Director,
of the State Government;

(ii) representatives of banks and financial institutions;

(iii) office-bearers or representatives of State Industry
Associations; and

(iv) persons having special knowledge in the field of
Industry, Finance, Law, Trade and Commerce.

(2) The person appointed under clause (i) of sub-section
(1) shall be the Chairperson of the Industry Facilitation Council.

(3) The composition of the Industry Facilitation Council, the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by, the members shall be such as may be prescribed by rules by the State Government.

7C. *Laying of rules before State Legislature.*— Every notification issued and every rule made by the State Government under this Act shall be laid, as soon as may be after it is issued or made, before the State Legislature.”.

Notification

10-4-98/LA

The Central Vigilance Commission (Amendment) Ordinance, 1998 (Ordinance No. 18 of 1998) which has been promulgated by the President of India and published in the Gazette of India Extraordinary Part II, Section I, dated 27th October, 1998, is hereby published for general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 17th December, 1998.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 27th October, 1998/Kartika 5, 1920
(Saka)

THE CENTRAL VIGILANCE COMMISSION (AMEND- MENT) ORDINANCE, 1998

No. 18 of 1998

Promulgated by the President in the Forty-ninth Year of the Republic of India.

An Ordinance to amend the Central Vigilance Commission Ordinance, 1998.

Whereas the Central Vigilance Commission Ordinance, 1998 was promulgated by the President on the 25th day of August, 1998;

And Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Central Vigilance Commission (Amendment) Ordinance, 1998.

(2) It shall be deemed to have come into force on the 25th day of August, 1998.

2. *Amendment of section 3.*— In section 3 of the Central Vigilance Commission Ordinance, Ord. 15 of 1998 (hereinafter referred to as the principal Ordinance),—

(a) in sub-section (2),—

(i) in clause (b), for the word “three”, the word “four” shall be substituted;

(ii) clause (c) shall be omitted;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The Central Vigilance Commissioner and the Vigilance Commissioners shall be appointed from amongst persons—

(a) who have been or are in an all-India Service or in any civil service of the Union or in a civil post under the Union having knowledge and experience in the matters relating to vigilance, policy making and administration including police administration; and

(b) who have held office or are holding office in a corporation established by or under any Central Act or a Government company owned or controlled by the Central Government and persons who have expertise and experience in finance including insurance and banking, law, vigilance and investigations;

Provided that, from amongst the Central Vigilance Commissioner and the Vigilance Commissioners, not more than three

persons shall belong to the category of persons referred to either in clause (a) or in clause (b).”.

3. *Amendment of section 8.*— In section 8 of the principal Ordinance, in sub-section (1), clause (d) shall be omitted.

4. *Amendment of section 15.*— In section 15 of the principal Ordinance, the words “the *ex-officio* Member,” shall be omitted.

5. *Amendment of section 21.*— In section 21 of the principal Ordinance, in sub-section (2), clause (b) shall be omitted.

6. *Amendment of Act 25 of 1946.*— Section 6A of the Delhi Special Police Establishment Act, 1946, as inserted by clause (c) of section 26 of the principal Ordinance, shall be omitted.

K. R. NARAYANAN,
President.

RAGHBIR SINGH,
Secy. to the Govt. of India.

Department of Personnel

Notification

1/6/83-PER(Vol.II)(Pt.)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing Recruitment Rules for the relevant posts, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Group ‘C’ Ministerial, Non-Gazetted Common post (Outside the Secretariat) under the Government of Goa, namely:—

1. *Short title, application and commencement.*— (1) These rules may be called the Government of Goa, Group ‘C’, Ministerial, Non-Gazetted post (Outside Secretariat) Recruitment Rules, 1998.

(2) They shall apply to the posts specified in column 1 of the Schedule to these rules (hereinafter called as the “said schedule”).

(3) They shall come into force from the date of their publication in the Official Gazette.

2. *Number, classification and scales of pay.*— The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in column 2 of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*— The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.

4. *Disqualification.*— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*— Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provision of these rules with respect to any class or category of persons.

6. *Saving.*— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

By order and in the name of the Governor of Goa.

Armando Mascarenhas, Joint Secretary (Personnel).

Panaji, 22nd September, 1998.

SCHEDULE

Name / Desi- gnation of posts of post	Number of posts	Classifi- cation	Scale of pay	Whether selection post or non- selection post	Age limit for direct recruits	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pen- sion) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of proba- tion, if any	Method of recruitment, whether by direct recruitment or by promotion or by deputation/ transfer/ contract and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/ deputation/ transfer, grades from which promotion/ deputation/ transfer is to be made	If a D. P. C. exists, what is its composition	Circumstances in which Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Upper As Division Clerk.	As sanc- tioned from time to time de- pendent on work- load.	Group 'C' Ministe- rial Non- Gazet- ted.	Rs. 4000- 100- 6000.	Selec- tion.	Not exceed- ing 35 years (Relaxable for Government servants in ac- cordance with the instruc- tions or orders issued by the Government.	No.	<i>Essential:</i> (i) Intermediate/Senior Cambridge/Higher Secondary Certificate or equivalent. (ii) Knowledge of Konkani. <i>Desirable:</i> Knowledge of Marathi.	Age:- No Edn. Qls:- N. A.	T w o years.	By promotion failing which by direct recruit- ment.	<i>Promotion:</i> (i) In the offices/De- partments other than the Office of the Chief Electrical Engi- neer. Lower Division Clerk/Assistant Store or Godown Keeper or Store Clerk with 3 years regular service in the respective grade. (ii) In the Office of the Chief Electrical Engi- neer: Lower Division Clerk/Assistant Store or Godown Keeper or Store Clerk/Meter Reader having S. S. C. or equivalent qualifica- tion with 3 years regular service in the respective grades.	Group 'C' D.P.C.	N. A.

Corrigendum

In the Official Gazette Series I No. 39 dated 24-12-1998 the last page No. may be corrected to read as "362" instead of "562".

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